

**BOARD OF APPEALS CASE NO. 5078**

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**BEFORE THE**

**APPLICANT: Mildred W. Hopkins/Mark Phillips**

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**ZONING HEARING EXAMINER**

**REQUEST: Variance to construct an attached garage within the required side yard setback; 806 Lynch Terrace, Fallston**

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**OF HARFORD COUNTY**

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**Hearing Advertised**

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**Aegis: 8/16/00 & 8/23/00**

**HEARING DATE: September 25, 2000**

**Record: 8/18/00 & 8/25/00**

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### **ZONING HEARING EXAMINER'S DECISION**

The Applicant, Phillips Builders/Mike Phillips is seeking variance, pursuant to 267-36C, Table II, of the Harford County Code, to construct an attached garage less than the required 20 foot setback (17 feet, 4 inches proposed) in an AG/Agricultural District.

The subject parcel is located at 806 Lynch Terrace, Fallston, Maryland 21047 and is more particularly identified on Tax Map 55, Grid 1B, Parcel 785. The parcel consists of 20,000 square feet, is zoned AG/Agricultural and is entirely within the Third Election District.

The property owner, Ms. Mildred W. Hopkins appeared and added her name as co-applicant to this request. Ms. Hopkins described the proposed garage addition as a 24 foot by 30 foot deep two car garage addition. Because of the small size of the lot there is no other location for this garage on the property. This size garage creates the need for the minimal relief to the setback requirement requested. Additionally, the garage must be offset from the house with a 6 foot by 7 foot breezeway to allow an upstairs bedroom window to be preserved. If the breezeway were eliminated, the garage could be built without the need for the variance.

The Department of Planning and Zoning agrees that the setback variance should be approved and finds the request to be minor in nature.

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### **CONCLUSION:**

**Section 267-11 permits variances and provides:**

**“Variances from the provisions or requirements of this Code may be granted if the Board finds that:**

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.**
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest.”**

**The Hearing Examiner finds the topographical features of this property require the garage to be located at this location only. Unfortunately, an upstairs bedroom prevents the construction flush against the house. The Hearing Examiner notes that the Harford County Building Code prohibits any second story room without windows. This is an important safety feature of the Building Code and is not merely for the convenience of the homeowner. A garage is a property right commonly enjoyed by Harford County citizens and it would be a hardship to require this homeowner to reduce the size of the garage when the side yard setback encroachment is due to compliance with the Harford County Building Code.**

**The Hearing Examiner recommends approval of the request, subject to the condition that the Applicant obtain any and all necessary permits and inspections.**

**Date    OCTOBER 26, 2000**

**William F. Casey  
Zoning Hearing Examiner**